

REMARKS

[0009] Applicant respectfully requests reconsideration and allowance of all of the claims of the application in view of the foregoing claim amendments and the following remarks. The status of the claims is as follows:

- Claims 1-4 and 7-57 are currently pending
- Claims 1, 8-15, 20, 26-28, 32-53, 55, and 56 are amended herein

[0010] Support for the amendments to Claims 1, 8-15, 20, 26-28, 32-53, 55, and 56 is found in at least paragraphs [0011], [0012], [0041], [0043] – [0046], [0057], [0060], [0063], and [0064] of the specification. No new matter has been added.

Claims 42-51 Recite Statutory Subject Matter Under § 101

[0011] Claims 42-51 were rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Applicant respectfully traverses this rejection. However, in spite of Applicant's traversal, without acquiescing to the propriety of the rejection, and for the sole purpose of expediting allowance of the present application, Applicant hereby amends paragraph [0019] of the specification and Claims 42-51 in the manner suggested by the Examiner. Furthermore, as stated above, it is Applicant's understanding that Examiner Jones agreed that independent Claims 1, 20, 42, and 47 recite statutory subject matter. Accordingly, Applicant respectfully submits that Claims 1-4 and 7-57 recite statutory subject matter and further requests that the rejections be reconsidered and withdrawn.

Cited Documents

[0012] The following documents have been applied to reject one or more claims of the present application:

- Subramanian: Subramanian et al., U.S. Patent Application Publication No. 2005/0018775
- Griffiths: Griffiths, U.S. Patent No. 6,262,776
- Ogier: Ogier, U.S. Patent Application Publication No. 2003/0095504

Claims 1-4, 7-12, 15-19, 32-35, 37, 38, 40, 42-46, and 52 are Non-Obvious over Subramanian in view of Griffiths

[0013] Claims 1-4, 7-12, 15-19, 32-35, 37, 38, 40, 42-46, and 52 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Subramanian in view of Griffiths. Applicant respectfully traverses the rejection and further requests that the rejection be reconsidered and withdrawn. However, in spite of Applicant's traversal, without acquiescing to the propriety of the rejection, and for the sole purpose of expediting allowance of the present application, Applicant hereby amends independent Claims 1, 32, and 42 in the manner set forth above.

[0014] Moreover, as stated above, it is Applicant's understanding that Examiner Jones agreed that independent Claims 1, 20, 32, 42, and 47, as amended as proposed during the interview, appear to be patentable over at least the references of record. Nevertheless, Applicant hereby submits the following remarks with respect to independent Claims 1, 20, 32, 42, and 47.

Independent Claim 1

[0015] For at least the reasons set forth below, Applicant respectfully submits that the above combination of references neither teach nor suggest at least the following features recited in independent Claim 1:

determining whether two or more samples of a presentation are processed by a first component of a pipeline at an expected time, the two or more samples comprising a first sample and a later processed second sample, wherein the determining comprises determining a first timing error for the first sample and a second timing error for the second sample; and

requesting a second component of the pipeline to alter the manner in which the second component processes a portion of the presentation when the two or more samples are not processed at the expected time and when the first timing error is greater than the second timing error, wherein the portion of the presentation comprises at least one succeeding sample to the two or more samples.

More particularly, it is respectfully submitted that the references cited in the Action (Subramanian, Griffiths, and Ogier) fail to teach or suggest at least "wherein the determining comprises determining a first timing error for the first sample and a second timing error for the second sample" and "requesting a second component of the pipeline to alter the manner in which the second component processes a portion of the presentation when the two or more samples are not processed at the expected time and when the first timing error is greater than the second timing error," as presently recited in Claim 1.

[0016] Applicant has reviewed the above references and respectfully submits that the combination of Subramanian, Griffiths, and Ogier are completely silent with respect to the foregoing recitations. Furthermore, with respect to dependent Claim 13, the Action acknowledges that:

Subramanian et al. in view of Griffiths...fails to disclose that the at least one sample comprises a first sample and a second sample and wherein

determining whether the at least one sample is processed at the expected time comprises: determining a first timing error as a difference between a time at which the first sample is processed by the first component and a time at which the first sample is expected to be processed; determining a second timing error as a difference between a time at which the second sample is processed by the first component and a time at which the first sample is expected to be processed; and determining if the second timing error is greater than the first timing error (Office Action, pp. 9-10) (emphasis added).

However, the Action further states that “[r]eferring to the Ogier reference, Ogier discloses a method comprising monitoring network congestion using ongoing statistical measurements (paragraph [0332])” (Office Action, p. 10).

[0017] Applicant submits that Ogier is directed to “[a] protocol for discovering a new neighbor node and detecting the loss of an existing neighbor node in a network” (Abstract). Furthermore, the Examiner-cited portion of Ogier teaches that “[a]lthough a variety of different methods may be used to actually determine if a network dropout is the result of network congestion or of packet loss, such a determination may be made using ongoing statistical measures” (paragraph [0332]). However, it is respectfully submitted that Ogier does not remedy the deficiencies in both Subramanian and Griffiths set forth in the Office Action. More particularly, Applicant submits that Ogier neither teaches nor suggests “a first sample and a second sample,” “determining a first timing error...,” “determining a second timing error...,” and “determining if the second timing error is greater than the first timing error,” as presently recited. Instead, Ogier merely teaches determining if a network dropout is the result of network congestion or of packet loss using ongoing statistical measures. It is submitted that such a conclusory statement is insufficient to teach or suggest the above recitations of Claim 1.

[0018] Accordingly, because the foregoing combination of references fail to teach or suggest the recitations set forth above, Applicant respectfully submits that independent

Claim 1 is patentable over Subramanian, Griffiths, and Ogier, both singularly and in combination with one another.

Independent Claims 32 and 42

[0019] Independent Claims 32 and 42 recite features similar to those discussed above with regard to independent Claim 1. Accordingly, Applicant respectfully submits that independent Claims 32 and 42 are also patentable over Subramanian, Griffiths, and Ogier, both singularly and in combination with one another, for at least the reasons set forth above.

[0020] In addition, with respect to independent Claim 42, it is respectfully submitted that the above combination of references fails to teach or suggest at least the following features recited in Claim 42:

determining if the first and second samples are on time by comparing the timing value for each of the first and the second sample to a presentation clock associated with the presentation to determine if the first and second timing values indicate degrading timeliness; and

requesting a second component in the pipeline to drop one or more subsequent samples of the presentation when the timeliness is degrading.

In particular, Applicant submits that the cited references do not teach or suggest "to determine if the first and second timing values indicate degrading timeliness" and "requesting a second component in the pipeline to drop one or more subsequent samples of the presentation when the timeliness is degrading," as presently recited in Claim 42 (emphasis added). In fact, Applicant respectfully submits that the foregoing references do not even suggest a situation where timeliness is degrading. Therefore, for at least the reasons set forth above, it is respectfully submitted that independent Claim 42 is patentable over the above combination of references.

Dependent Claims 2-4, 7-19, 33-41, 43-46, and 49-54

[0021] As stated above, independent Claims 1, 32, and 42 are patentable over Subramanian in view of Griffiths, in further view of Ogier. Accordingly, dependent Claims 2-4, 7-19, 33-41, 43-46, and 49-54 are also patentable over the above combination of references by virtue of their dependency on independent Claims 1, 32, and 42, as well as for the additional features that Claims 2-4, 7-19, 33-41, 43-46, and 49-54 recite.

Claims 13, 14, 36, 39, 47-51, 53, and 54 Are Non-Obvious Over Subramanian in view of Griffiths, in further view of Ogier

[0022] Claims 13, 14, 36, 39, 47-51, 53, and 54 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Subramanian in view of Griffiths, in further view of Ogier. Applicant respectfully traverses the rejection and further requests that the rejection be reconsidered and withdrawn. However, in spite of Applicant's traversal, without acquiescing to the propriety of the rejection, and for the sole purpose of expediting allowance of the present application, Applicant hereby amends independent Claim 47 in the manner set forth above.

Dependent Claims 13, 14, 36, 39, 49-51, 53, and 54

[0023] As stated above, independent Claims 1 and 32 are patentable over the combination of Subramanian, Griffiths, and Ogier. Accordingly, dependent Claims 13, 14, 36, 39, 49-51, 53, and 54 are also patentable over the above combination of references by virtue of their dependency on independent Claims 1 and 32, as well as for the additional features that Claims 13, 14, 36, 39, 49-51, 53, and 54 recite.

Independent Claim 47

[0024] Independent Claim 47 recite features similar to those discussed above with regard to independent Claims 1, 32, and 42. Accordingly, Applicant respectfully submits that independent Claim 47 is also patentable over Subramanian, Griffiths, and Ogier, both singularly and in combination with one another, for at least the reasons set forth above.

Dependent Claim 48

[0025] As stated above, independent Claim 47 is patentable over the combination of Subramanian, Griffiths, and Ogier. Accordingly, dependent Claim 48 is also patentable over the above combination of references by virtue of its dependency on independent Claim 47, as well as for the additional features that Claim 48 recites.

Claims 20-31 and 55-57 Are Non-Obvious Over Subramanian in view of Ogier, in further view of Griffiths

[0026] Claims 20-31 and 55-57 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Subramanian in view of Ogier, in further view of Griffiths. Applicant respectfully traverses the rejection and further requests that the rejection be reconsidered and withdrawn. However, in spite of Applicant's traversal, without acquiescing to the propriety of the rejection, and for the sole purpose of expediting allowance of the present application, Applicant hereby amends independent Claim 20 in the manner set forth above.

Independent Claim 20

[0027] Independent Claim 20 recites features similar to those discussed above with regard to independent Claims 1, 32, 42, and 47. Accordingly, Applicant respectfully submits that independent Claim 20 is also patentable over Subramanian, Griffiths, and Ogier, both singularly and in combination with one another, for at least the reasons set forth above.

Dependent Claims 21-31 and 55-57

[0028] As stated above, independent Claim 20 is patentable over the combination of Subramanian, Griffiths, and Ogier. Accordingly, dependent Claims 21-31 and 55-57 are also patentable over the above combination of references by virtue of their dependency on independent Claim 20, as well as for the additional features that Claims 21-31 and 55-57 recite.

[0029] Thus, Subramanian, Griffiths, and Ogier, whether taken alone or in combination (assuming for the sake of argument that they can be combined), fail to disclose or suggest the recitations of independent Claims 1, 20, 32, 42, and 47. Accordingly, Applicant respectfully submits that independent Claims 1, 20, 32, 42, and 47 are patentable over the proposed combination of references. Furthermore, dependent Claims 2-4, 7-19, 21-31, 33-41, 43-46, and 48-57 are also patentable over the above combination of references by virtue of their dependency on independent Claims 1, 20, 32, 42, and 47, as well as for the additional features that each claim recites. Applicant also respectfully requests individual consideration of each dependent claim.

[0030] Therefore, for at least the foregoing reasons, it is respectfully submitted that Claims 1-4 and 7-57 are not obvious over the various combinations of Subramanian, Griffiths, and Ogier, and therefore, the present rejections under 35 U.S.C. § 103(a) should be reconsidered and withdrawn.

CONCLUSION

[0031] For at least the foregoing reasons, it is respectfully submitted that Claims 1-4 and 7-57 are in condition for allowance. Applicant respectfully requests reconsideration and withdrawal of the rejections and an early notice of allowance.

[0032] The arguments and amendments presented herein were necessitated by the most recent Office Action and the telephone interview between Applicant's representative and Examiner Jones dated June 29, 2009, and could not have been presented previously because the Final Office Action rejected claims based on new prior art not previously of record. If any issue remains unresolved that would prevent allowance of this case, Applicant requests that the Examiner contact the undersigned attorney to resolve the issue.

Respectfully Submitted,

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Dated: 6/30/09

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